

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA,             | ) | 8:02CR212             |
| Plaintiff,                            | ) |                       |
|                                       | ) |                       |
| v.                                    | ) | USM No: 17918-047     |
|                                       | ) |                       |
| JASON HUBBARD                         | ) | <u>Karen Shanahan</u> |
| Defendant.                            | ) | Defendant's Attorney  |
| Date of previous judgment: 12/18/2002 | ) |                       |

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment as to Count I only (as reflected in the last judgment issued) of 46 months is reduced to 37 months. The sentence of imprisonment as to Count II remains 60 months (to run consecutively).

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

|                            |                               |                            |                               |
|----------------------------|-------------------------------|----------------------------|-------------------------------|
| Previous Offense Level:    | <u>19</u>                     | Amended Offense Level:     | <u>17</u>                     |
| Criminal History Category: | <u>IV</u>                     | Criminal History Category: | <u>IV</u>                     |
| Previous Guideline Range:  | <u>46</u> to <u>57</u> months | Amended Guideline Range:   | <u>37</u> to <u>46</u> months |

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated April 30, 2004 shall remain in effect.

**IT IS SO ORDERED.**

Dated this 25<sup>th</sup> day of July, 2008  
 Effective Date: July 24, 2008

s/ Joseph F. Bataillon  
 Chief United States District Judge